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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,502	03/17/2004	Dana Brad	5569/79071	3667
22242 7590 10/04/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			EXAMINER WANG, CLAIRE X	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,502	<b>Applicant(s)</b> BRAD ET AL.	
	<b>Examiner</b> Claire Wang	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicants' response to the last Office Action, filed on August 3<sup>rd</sup>, 2007 has been entered and made of record.
2. In view of the Applicant's amendments, the drawings objection is expressly withdrawn.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-19 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cofer et al. (US 6,841,780 hereinafter "Cofer") in view of Fiene (US 6,218,962).

As to claim 14, Cofer teaches a system for detecting an object (Col. 1, lines 10-12), comprising a light pattern generator projecting a light pattern beam across a defined area and producing a light pattern in the defined area (72 Fig. 7); a digital imaging device for detecting the light pattern produced by the light pattern generator (76 Fig. 7); and a controller having a memory with a stored image of a non-obstruction pattern detected in the defined area as produced by the light pattern generator (6 Fig. 1A); and the controller periodically compares said image stored in the memory with the light pattern detected by the imaging device produced by the light beam shining across the defined area and recorded by the digital imaging device (80 Fig. 7).

Cofer does not teach that the light pattern being a single substantially straight line in the absence of an obstruction. Fiene teaches an invention that uses a light source in combination with an automatic garage door opener, wherein the focused light can be in the shape of a line. Thus, Fiene line-shaped light reads on the claimed light pattern being a single substantially straight line. Therefore, it would have been obvious for one ordinarily skilled in the art at the time the invention was made to combine Cofer's teaching of projecting a pattern to detect intrusion in a garage system with Fiene's line-shaped light pattern since have a light source that only display a line pattern is well known.

As to claim 18, it is the method claim of claim 14. Claim 18 differs from claim 14 in that claim 18 further teaches the digital imaging device the optical pattern at an off-set angle to the projected beam (See Figs. 2A-2B).

As to claim 23, it differs from claim 18 in that claim 23 refers to the optical pattern discussed in claim 18 as optical illumination and claim 23 does not teach the digital imaging device the optical pattern at an off-set angle to the projected beam.

Examiner's note: optical pattern and optical illumination refers to the same thing according to applicant's specification, thus claim 23 is analyzed in the same manner as claim 18. Please see above for details.

As to claim 15, Cofer teaches wherein when the controller detects a difference between the digital representation of the light pattern produced by detecting the defined area and the image stored in a memory, the controller initiates an alarm (Col. 5, lines 35-37).

As to claim 16, Cofer teaches wherein the image stored in the memory is of a substantially straight line produced by the pattern generator in absence of an object in the defined area (Figs. 5A-5C shows an example of projected pattern that is straight parallel lines and when an object is detected the lines are no longer straight).

As to claim 17, Cofer teaches wherein the digital imaging device is a CCD camera (Col. 4, line 3), which is installed at an offset angle from the laser device (Figs. 2A-2B).

As to claim 19, Cofer teaches generating an alarm signal responsive to the control signal (Col. 5, lines 35-37).

As to claim 24, it is the same as claim 19. Please see claim 19 for detail analysis.

3. Claims 1-12, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laird (US 2003/0118237) in view of Cofer further in view of Fiene.

As to claim 1, Laird teaches a barrier operator for moving a barrier between open and closed positions with respect to a barrier opening (a system that detects objects entering a garage door; Paragraph [0010], lines 1-3), comprising an imaging device to observe a portion of the barrier opening as illuminated by the optical pattern (CCD camera views the pattern; [0011], lines 2-4); and a controller coupled to the imaging device to sense when the optical pattern in the observed portion of the barrier opening changes, and generating a detection signal in response thereto (when an object enters the field of vision of the camera, it interrupts the viewing of the recognized pattern and the processor decides whether or not the object is an intrusion; if it is an intrusion, then a signal is sent to the head unit of the garage door operator; [0011], lines 12-22). A pattern, which is positioned on the side wall of the door ([0011], lines 1-4). However Laird does not teach the pattern used is generated using light projections.

Cofer teaches an apparatus for detecting objects by projecting one or more patterns onto the monitored area (Col. 1, lines 52-54). Thus Cofer's method of projecting patterns reads on the claimed light projections. Therefore, it would have been obvious for one ordinarily skilled in the art at the time the invention was made to combine Laird's system of object detection that enters a garage door with Cofer's method of pattern projection in order to be more sensitive to the presence and motions of 3-D objects (Cofer Col. 1, lines 49-52).

However, Laird and Cofer do not teach using a straight line as the light pattern. Fiene teaches an invention that uses a light source in combination with an automatic garage door opener, wherein the focused light can be in the shape of a line. Thus, Fiene line-shaped light reads on the claimed light pattern being a single substantially straight line. Therefore, it would have been obvious for one ordinarily skilled in the art at the time the invention was made to combine Laird and Cofer's teaching of projecting a pattern to detect intrusion in a garage system with Fiene's line-shaped light pattern since have a light source that only display a line pattern is well known.

As to claim 2, Laird teaches apparatus for periodically recording images detected by the imaging device ([0011], lines 8-9).

As to claim 3, Laird teaches wherein the controller periodically compares an observed pattern detected by the imaging device with a digital representation of a non-obstacle pattern previously detected and recorded ([0011], lines 17-19).

As to claim 4, Cofer teaches wherein the non-obstacle pattern is a substantially straight line (Figs. 5A-5C shows an example of projected pattern that is straight parallel lines and when an object is detected the lines are no longer straight).

As to claim 5, Laird teaches wherein the digital imaging device observes the barrier path at an angle to the scanning device (the camera is aimed onto the sidewall



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wit the patter in such a way that the camera looks across the door opening to the pattern on the wall; [0011], lines 4-7).

As to claim 6, Laird teaches an alarm device to generate an alarm indication in response to the detection signal ([0011] lines 20-22).

As to claim 7, Cofer teaches wherein the alarm indication is an audible signal (sound an alarm; Col. 5, lines 35-37).

As to claim 8, Cofer teaches wherein the alarm indication is a visual signal (shut down the machine is something that can read as a visual signal or some other action could also be read as a visual signal; Col. 5, lines 35-37).

As to claim 9, a barrier drive unit for moving the barrier, and wherein the controller is responsive to the detection signal to control the barrier drive (barrier movement operator; [0005], line 6).

As to claim 10, Laird and Cofer teach wherein the light pattern generator comprises a source of electrical energy (Laird [0010], lines 6-8); a laser diode (Cofer Col. 3, line 59); and an optical lens to focus a beam generated by the laser diode (Cofer Col. 3, line 61).

As to claim 11, Laird teaches wherein the imaging device is a CCD camera (1 Fig. 1).

As to claim 12, Cofer teaches wherein the light pattern generator is disposed on the barrier (projecting one or more patterns onto the monitored area and in this case the monitored area is the side wall of the garage door; Cofer Col. 1, lines 52-54).

As to claim 21, it differs from claim 1 in that it does not teach generating a detection signal in response to the detection of an obstacle that claim 1 teaches. Please see claim 1 for detail analysis.

As to claim 22, it differs from claim 21 in that claim 22 further teaches of the light pattern can be enabling or disabling (Laird teaches the pattern detected when correlated with the stored images, if a match is not found then the object is considered to be an intrusion and thus a signal is sent to the head unit of the garage door operator; this clearly shows that the image retrieved is able to enable or disable the system; [0011], lines 12-22).

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4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laird in view of Cofer.

As to claim 13, Laird teaches a barrier movement operator ([0005], line 6). Laird does not expressly disclose that the barrier movement operator contains a head unit with a motor for moving the barrier. However, Examiner takes Official Notice that a motor for moving barriers is well known in the art. It would have been obvious at the time of the invention was made to one of ordinary skill in the art to add a motor to the barrier movement operator since Examiner takes official notice that motors are commonly used to move barriers.

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5. Claims 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cofer in view of Laird.

As to claim 20, Cofer does not teach controlling a movement of a barrier in the defined area in response to the control signal. However, Laird teaches detecting objects by digital imaging device and also teaches a barrier movement operator. Thus, the barrier movement operator of Laird reads on the claimed controlling movement of a barrier. Therefore, it would have been obvious for one ordinarily skilled in the art at the time the invention was made to combine Cofer's object detection system with Laird's system of detecting objects in with in a barrier that contains a barrier movement operator because they are in the same field of invention.

As to claim 25, it is the same as claim 20. Please see above for detail analysis.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

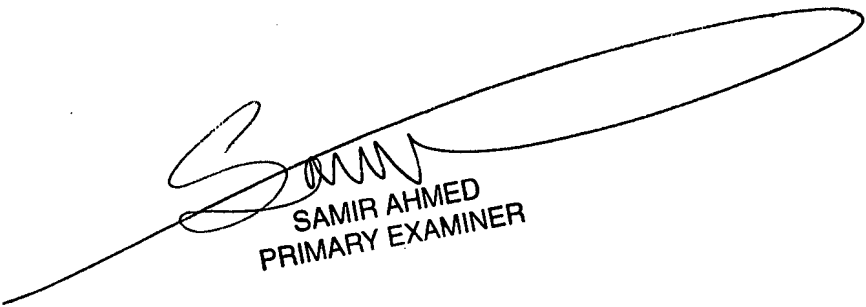
**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Claire Wang whose telephone number is 571-270-1051. The examiner can normally be reached on Mid-day flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Claire Wang  
09/30/2007



SAMIR AHMED  
PRIMARY EXAMINER